

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC	§	
	§	
<i>Plaintiff,</i>	§	
vs.	§	
	§	
APPLE INC., HTC AMERICA, INC.,	§	Case No. 2:08-cv-00404-TJW
MOTOROLA, INC., PALM, INC.	§	
PANTECH WIRELESS, INC.,	§	
SAMSUNG TELECOMMUNICATIONS	§	<b>JURY TRIAL DEMANDED</b>
AMERICA, LLC, and CELLULAR 4 U, INC.	§	
	§	
<i>Defendants.</i>	§	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Apple Inc. (“Apple”), HTC America, Inc. (“HTC”), Motorola, Inc. (“Motorola”), Palm, Inc. (“Palm”), Pantech Wireless, Inc. (“Pantech”), Samsung Telecommunications America, LLC (“Samsung”), and Cellular 4 U, Inc. (“Cellular 4 U”), and alleges:

**THE PARTIES**

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.

2. On information and belief, Apple is a corporation organized and existing under the laws of California, has a principal place of business at One Infinite Loop, Cupertino, California 95014, has designated its registered agent for purposes of service of process as C T Corporation System, 818 West Seventh Street, Los Angeles, California 90017, and is doing business in this judicial district.

3. On information and belief, HTC is a corporation organized and existing under the laws of Texas, has a principal place of business at 5950 Corporate Drive, Houston, Texas 77036, has designated its registered agent in Texas for purposes of service of process as Law Office of Christina C. Hsu, 15244 Interlachen Drive, Austin, Texas 78717-3867, and is doing business in this judicial district.

4. On information and belief, Motorola is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1303 East Algonquin Road, Schaumburg, Illinois 60196-4041, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

5. On information and belief, Palm is a corporation organized and existing under the laws of Delaware, has a principal place of business at 950 West Maude Avenue, Sunnyvale, California 94085, has designated its registered agent for purposes of service of process as Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.

6. On information and belief, Pantech is a corporation organized and existing under the laws of California, has a principal place of business at 5607 Glenridge Drive, Suite 500, Atlanta, Georgia, has designated its registered agent for purposes of service of process as Dan J. Schrader, 11240 Warland Drive, Cypress, California 90630-5035, and is doing business in this judicial district.

7. On information and belief, Samsung is a limited liability company organized and existing under the laws of Delaware, has a principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082, has designated its registered agent for purposes of service of process as

Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.

8. On information and belief, Cellular 4 U is a corporation organized and existing under the laws of Texas, has a principal place of business within this judicial district at 3108 Old Denton Road, Carrollton, Texas 75007, has designated its registered agent for purposes of service of process in Texas as Kulsoom R. Andani, 1413 Ector Drive, Carrollton, Texas 75010-6475, and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

9. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

10. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

11. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

12. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district, which products and services have been offered for sale and used in Texas and this judicial district. Infringement with regard to each defendant's allegedly infringing products has occurred and continues to occur in Texas and in this judicial district.

**13.** Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

**14.** Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**PATENT INFRINGEMENT**

**15.** On October 15, 2002, U.S. Patent No. 6,466,862 (“the ‘862 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘862 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘862 patent.

**16.** On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit B, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

**17.** Upon information and belief, each defendant, either alone or in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘862 patent and the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that in combination with other devices are covered by at least one claim of the ‘862 patent and the ‘606 patent. Defendants are liable for infringement of the ‘862 patent and the ‘606 patent pursuant to 35 U.S.C. § 271.

**18.** One or more of the defendants have committed acts of patent infringement in this district by offering to sell and selling products in this district which in use and in combination with other devices infringe one or more claims of the '862 patent and the '606 patent.

**19.** Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.

**20.** As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

**PRAYER FOR RELIEF**

**WHEREFORE,** Traffic prays for entry of judgment that:

- A.** Each defendant has infringed the '862 patent and the '606 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the '862 patent and the '606 patent in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys' fees;
- F.** Costs be awarded to Traffic; and,

G. Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: November 21, 2008

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 21st day of November, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ C. Dale Quisenberry